



March 13, 2017

BY ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St, S.W.
Washington, D.C. 20554

Re: NOTICE OF EX PARTE
WC Docket No. 16-106: *Protecting the Privacy of Consumers of Broadband and Other Telecommunications Services*

Dear Ms. Dortch,

On March 9, 2017, Rebecca Murphy Thompson, EVP & General Counsel; Taliesin Gabriel, Law Intern; and I, representing Competitive Carriers Association (“CCA”)¹ met with Jay Schwarz, Legal Advisor to Chairman Pai, Wireline, and separately with Claude Aiken, Legal Advisor to Commissioner Clyburn, Wireline.

During the meetings, CCA discussed its Petition for Reconsideration² of the 2016 Privacy Order,³ and reiterated concern that the Federal Communication Commission’s (“FCC” or “Commission”) privacy rules create an unwarranted regulatory disparity between broadband and edge providers that will harm competition and consumers. CCA also stressed how the 2016 Privacy Order would injure small providers, and CCA’s intent to address small provider issues when replying to filed oppositions to CCA’s Petition for Reconsideration. Relatedly, CCA discussed ongoing Congressional activity regarding privacy, including the Congressional Review Act (“CRA”).

¹ CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents approximately 200 associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

² See Petition of the Competitive Carriers Association for Reconsideration, WC Docket No. 16-106 (filed Jan. 3, 2017).

³ *Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, Report and Order, FCC 16-148 (rel. Nov. 2, 2016) (“2016 Privacy Order”).

Last, CCA expressed an ongoing interest in working with the Commission regarding any forthcoming privacy policy and acknowledged that the Commission remains the “cop on the beat” with authority to regulate privacy activities under Section 222 of the Communications Act.⁴

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission’s Rules. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

/s/ *Elizabeth Barket*

Elizabeth Barket
Law & Regulatory Counsel
Competitive Carriers Association

cc (via email): Claude Aiken
Jay Schwarz

⁴ See *Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*, Order Granting Stay Petition in Part, FCC 17-19, ¶ 20 (rel. Mar. 1, 2017) (“...[S]ervices that were subject to the Commission’s preexisting data security requirements remain subject to those rules—specifically, such services remain subject to Section 64.2010 and subsections 64.2009(a)-(b), (d), and (f) of the Commission’s rules as they existed prior to the Order...”); see also *Enforcement Bureau Guidance: Broadband Providers Should Take Reasonable, Good Faith Steps to Protect Consumer Privacy*, Enforcement Advisory, DA 15-603, 2 (rel. May 20, 2015) (“By examining whether a broadband provider’s acts or practices are reasonable and whether such a provider is acting in good faith to comply with Section 222, the Enforcement Bureau intends that broadband providers should employ effective privacy protections in line with their privacy policies and core tenets of basic privacy protections”).